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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,902	11/02/2001	James J. L'Allier	23051.CIP1	8986
9355	7590	04/08/2005	EXAMINER	
JACQUELINE E. HARTT, PH.D			HARRIS, CHANDA L	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.				
P.O. BOX 3791			ART UNIT	PAPER NUMBER
ORLANDO, FL 32802-3791			3714	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/001,902

Applicant(s)

L'ALLIER ET AL.

Examiner

Chanda L. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/4/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9 is/are allowed.
- 6) ☒ Claim(s) 1, 3-6 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Status of Claims

In response to the Amendment filed 10/4/04, Claims 1, 3-10 are pending. Claim 2 is cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Stuppy (US 6,146,148).

1. [Claim 1]: Regarding Claim 1, Stuppy discloses entering into a first electronic database a skill level (i.e., level of mastery for every skill or learning objective) currently possessed by a user in at least one predetermined subject area. See Col.5: 55-58. Stuppy discloses comparing the possessed skill level with a skill level desired (i.e., skill level in which all skill gaps have been filled) to be possessed by the user in the at least one skill. See Col.10: 54-63. Stuppy discloses determining from the comparing step a skill gap between the possessed skill level and the desired skill level (i.e., determining

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whether the skill gaps recorded in the student profile have been filled). See Col.10: 54-57. Stuppy discloses mapping the skill gap with at least one course (i.e., instructional material) having an entry in a second electronic database to fill the skill gap. See Col.10: 54-63. Stuppy discloses automatically creating a set of training interventions to be recommended to the user, the set containing at least one mapped course (i.e., ... the student workbook can also be generated automatically without teacher assistance using the data of the student profile). See Col.6: 28-29. Stuppy discloses permitting an administrator to review the at least one mapped course and, if desired, to manually select the at least one mapped course for including in the set of training interventions to be recommended to the user and presenting the user with a training regimen comprising the set of training interventions. See Col.6: 24-27.

2. [Claim 3]: Regarding Claim 3, Stuppy discloses wherein each course entry further comprises a natural language description. See Col.13: 1-2, 47-49.

3. [Claim 4]: Regarding Claim 4, Stuppy discloses entering a natural language description of the at least one skill (i.e., skill description) in the predetermined subject area. See Col.13: 29-36. Stuppy discloses wherein the mapping step comprises the steps of matching words in the natural language descriptions of the mapped course in the second database and of the at least one skill in the predetermined in the subject area. See Col.13: 32-34. Stuppy discloses ranking each course having at least one matching word with a description of the at least one skill in the predetermined subject area for probable relevance (i.e., listing in the order in which they should be taught). See Col.13: 29-32.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy.

[Claims 5-6]: Regarding Claims 5 and 6, Stuppy does not disclose expressly tabulating each word in the natural language description of the mapped course; tabulating a number of occurrences of each word in the natural language description of the mapped course; comparing each word in the natural language description of the mapped course with a list of words that should be skipped; assigning a null weighting value to each word that should be skipped as determined by each words comparing step; assigning a weighting value to each nonskipped word; and the ranking step comprises using each matching word and the weighting value of each matching word to determine a score indicative of the probable relevancy; tabulating each word phrase in the natural language description of the mapped course; and tabulating a number of occurrences of each word phrase in the natural language description of the mapped course; and wherein: the word matching step comprises matching word phrases in the natural language descriptions of the mapped course in the second database and of the at least one skill in the predetermined subject area; the weighting value assigning step further

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comprises assigning a weighting value to each word phrase; and the ranking step further comprises using each matching word phrase and the weighting value of each matching word phrase to supplement the score indicative of the probable relevancy. However, the aforementioned limitations are old and well-known information storage and retrieval techniques used in search engines. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of Stuppy in order to provide advanced searching and retrieval of documents. The well known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stuppy in view Shuster et al. (US 2002/0022999).

[Claim 10]: Regarding Claim 10, Stuppy does not disclose expressly performing a weighting algorithm on all the matching words to obtain a score and disqualifying any mapped course having a score less than a predetermined limit and automatically creating a set of training interventions to be recommended to the user, the set containing at least one mapped course having a score greater than or equal to the predetermined limit. However, Shuster teaches the concept of using a weighting algorithm to determine best matches for criteria entered and selecting results having a score above a predetermined limit (i.e., predetermined threshold) on p.3, [0025].

Therefore, at the time of the invention, it would have been obvious to incorporate the

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aforementioned limitation into the method and system of Stuppy, in light of the teaching of Shuster, in order to retrieve the best matches from search results.

Allowable Subject Matter

Claims 7-9 are allowed.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- L'Allier et al. (US 6,039,575)
 - results of pretesting used to produce a specific sequence of instructional units
- Lockwood (US 6,554,618)
 - developing an individual instruction plan from initial results
- Gabriel et al. (US 6,584,468)
 - weighting algorithm, ranking keywords

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. See rejection above. Examiner regrets the delay in the citation of this rejection. This action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Harrison can be reached on 571-272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chanda L. Harris
Primary Examiner
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